



PATENT

I hereby certify that on the date specified below, this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Initial Patent Examination Division, Assistant Commissioner for Patents, 2011 Jefferson Davis Highway, Washington, DC 20231.

April 17, 1998

Date

Maurice J. Pirio
Maurice J. Pirio

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Nick Holt and Steve Thomas
Application No. : 08/938,468
Filed : August 14, 1996
For : METHOD AND SYSTEM FOR CUSTOMIZING FORMS
IN AN ELECTRONIC MAIL SYSTEM

Docket No. : 669005.409C3

Date : April 17, 1998

Initial Patent Examination Division
Assistant Commissioner for Patents
2011 Jefferson Davis Highway
Washington, DC 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Sir:

In response to the Decision Granting Petition dated October 17, 1997, please find enclosed a copy of the Decision Granting Petition for the above-identified application.

Also enclosed is a General Authorization Under 37 C.F.R. § 1.136(a)(3).

An Information Disclosure Statement is enclosed along with Form PTO-1449.

Please find enclosed a Petition for an Extension of Time, extending the time for response from December 17, 1997 to April 17, 1998.

The fees have been calculated below after taking into consideration the enclosed Preliminary Amendment:

Basic Fee	\$	790
Total Claims (41, 21 extra)		462
Independent Claims (7, 4 extra)		328
Missing Parts Surcharge		130
Total	\$	1,710
Extension-of-Time Fee		1,510
TOTAL	\$	3,220

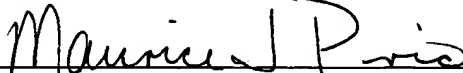
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02 FC:101
03 FC:103
04 FC:102
05 FC:105

Enclosed is a check in the amount of \$3,220 for the requisite fees. The Assistant Commissioner is hereby authorized to charge any additional filing fees or to credit any overpayment to Deposit Account No. 19-1090. A duplicate copy of this response is enclosed.

Respectfully submitted,
Nick Holt and Steve Thomas
SEED and BERRY LLP


Maurice J. Pirio
Registration No. 33,273

Enclosures:

- Postcard
- Check
- Copy of this Response
- General Authorization
- Preliminary Amendment
- Petition for an Extension of Time (+ 2 copies)
- Information Disclosure Statement
- Form PTO-1449
- Copy of Decision Granting Petition

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701 Fifth Avenue
Seattle, Washington 98104-7092
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WPN/MS/669005/409/C3/RESPONSE TO MISSING PARTS



02 CO #

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Assistant Commissioner for Patents
2011 Jefferson Davis Highway
Washington, DC 20231

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GENERAL AUTHORIZATION UNDER 37 C.F.R. § 1.136(a)(3)

Sir:

With respect to the above-identified application, the Assistant Commissioner is authorized to treat any concurrent or future reply requiring a petition for an extension of time under 37 C.F.R. § 1.136(a)(3) for its timely submission as incorporating a petition therefor for the appropriate length of time. The Assistant Commissioner is also authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 19-1090.

Respectfully submitted,

Nick Holt and Steve Thomas

SEED and BERRY LLP

Maurice J. Pirio
Registration No. 33,273

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER OF
PATENTS AND TRADEMARKS
Washington, D.C. 20231

MSP

MISSING PARTS DUE:

DEC. 17, 1997

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OCT 20 1997

SEED & BERRY LLP

ENTERED IN DOCKET

Maurice J. Pirio
Seed and Berry
6300 Columbia Center
701 Fifth Avenue
Seattle, WA 98104-7092

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OCT 17 1997

OFFICE OF PETITIONS
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In re Application of
Nick Holt et al.
Application No. 08/938,468
Filed: August 14, 1996
Attorney Docket No. 669005.409C3✓

DECISION GRANTING
PETITION

This is a decision on the petition filed May 6, 1997, requesting that a continuation application under 37 CFR 1.60 based on prior application No. 08/334,616 be accorded a filing date of August 14, 1996.

On May 6, 1997, applicants filed a copy of an application entitled "METHOD AND SYSTEM FOR CUSTOMIZING FORMS IN AN ELECTRONIC MAIL SYSTEM" which applicants allege was filed in the Patent and Trademark Office (Office) on August 14, 1996. The papers supplied on May 6, 1997, included, inter alia, a copy of an application transmittal letter requesting a filing under 37 CFR 1.60 based on prior application No. 08/334,616; 24 pages of specification; a copy of an executed declaration under 37 CFR 1.63 (2 pages); 14 sheets of drawings containing Figures 1-14; and a copy of a postcard receipt bearing docket No. "669005.409C3" and acknowledging the filing in the Office on August 14, 1996, of a "Copy of Original Application" and a "Copy of Original Declaration."

The papers identified on the postcard receipt cannot be located in the Office. Therefore, it is clear that the papers deposited on August 14, 1996, were mishandled by the Office. Unfortunately, applicants failed to identify the number of pages of specification and drawings on their postcard receipt.

As set forth in MPEP 503:

The identifying data on the postcard should include:
(1) applicant's name(s); (2) title of invention; (3) number of pages of specification, claims (for nonprovisional applications), and sheets of drawing; (4) whether oath or declaration included; (5) provisional application cover sheet; and (6) amount and manner of paying the fee.

A return postcard should be attached to each patent application for which a receipt is desired.

It is important that the return postcard itemize all of the components of the application. If the postcard does not itemize each of the components of the application, it will not serve as evidence that any component which was not itemized was received by the Office.
(emphasis supplied)

The present petition contains the following statement over the signature of a registered practitioner:

Enclosed is a complete copy of the application as originally submitted

This is understood as a positive affirmation by the registered practitioner that the papers filed in the Office on May 6, 1997, are true copies of the original application papers shown by counsel's file to have been filed in the Office on August 14, 1996.

In view of the evidence presented, the petition to accord the application a filing date of August 14, 1996, is granted. The petition fee will be refunded.

Since the original application papers cannot be located in the Office, the duplicate application papers supplied on May 6, 1997, will be used for processing and examination purposes. The duplicate application papers have been assigned application No. 08/938,468.

Applicants should notify this office if the original papers are subsequently discovered in the Office so that the present duplicate file can be merged with the original papers and any duplicate filing fee refunded.

For future reference, a postcard receipt should specifically itemize the papers being filed, including the number of pages of specification, drawings and oath/declaration.

The application was filed on August 14, 1996, without the basic filing fee. Accordingly, the \$790.00 basic filing fee and the \$130.00 surcharge set forth in 37 CFR 1.16(e) are required.

Applicants are given TWO MONTH from the date of this decision to pay the \$790.00 basic filing fee and the \$130.00 surcharge in order to avoid abandonment of the application. This time period may be extended pursuant to 37 CFR 1.136(a). The response should be directed to the attention of Initial Patent Examination Division.

The application is being forwarded to the Office of Finance for scheduling a refund of the \$130.00 petition fee.

The application will then be returned to Initial Patent Examination Division to awaits applicants' response and for further processing under 37 CFR 1.60, with a filing date of August 14, 1996, using the copy of the prior application supplied on May 6, 1997.



John F. Gonzales
Senior Legal Advisor
Special Program Law Office
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects
(703) 305-9282

JFG